

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

THOMAS A. PAYNE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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**No. 1:12-cv-00119
Judge Trauger**

ORDER

The movant, proceeding *pro se*, has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. (Docket No. 1). The movant presently is incarcerated at the Federal Corrections Institution II in Butner, North Carolina. He is currently serving a sentence of 144 months of imprisonment for six drug-related counts. *See United States v. Thomas A. Payne*, No. 1:09-cr-00009 (M.D. Tenn. 2012)(Trauger, J.).

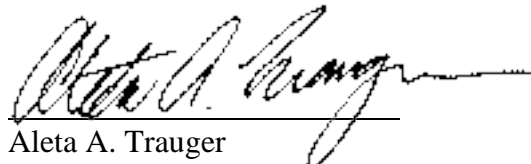
Under Rule 4, Rules – Section 2255 Proceedings, the court is required to examine motions under § 2255 to ascertain as a preliminary matter whether “it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief” *Id.* at § (b). If the court determines that the movant is not entitled to relief under § 2255, then the “the judge must dismiss the motion” *Id.*

As it is not readily apparent on the face of the motion that the movant is not entitled to relief, Rule 4(b), Rules – Section 2255 Proceedings, the United States Attorney for this judicial district shall file an answer, plead, or otherwise respond to the motion (Docket No. 1) in accordance with Rule 5, Rules – Section 2255 Proceedings, within thirty (30) days of the date of service of this order.

The Clerk is directed to serve a copy of the petition and this order by certified mail on the

respondent and the United States Attorney.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge